

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Alexander J. Kolmykov-Zotov et al.

Confirmation No.: **6415**

Application No.: **10/644,899**

Group Art Unit: **2629**

Filing Date: **August 21, 2003**

Examiner: **Tom V. Sheng**

For: **FOCUS MANAGEMENT USING IN-AIR POINTS**

Electronically filed on December 10, 2008

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

APPLICATION FOR PATENT TERM ADJUSTMENT

Applicant hereby requests reconsideration of the patent term provided in the Determination of Patent Term Extension under 35 U.S.C. § 154(b) provided with the Notice of Allowance mailed September 10, 2008. Payment in the amount of \$200 accompanies this application.

The Determination of Patent Term Extension under 35 U.S.C. § 154(b) indicates that the Patent Term Extension is 229 days. Applicant respectfully submits that the correct patent term adjustment for this case is 410 days.

There has been no terminal disclaimer filed for this application.

Basis of Calculation for Correction

PTO Delay: 627 days (439 days + 188 days)

439 days

First Action under 35 U.S.C. § 132 due 14 months after filing – October 21, 2004
Non-Final Rejection mailed January 3, 2006

188 days

Reply due to Applicant's Response After Non-Final Action – June 9, 2006
Non-Final Rejection mailed December 14, 2006

Applicant Delay: 217 days (35 days + 67 days + 33 + 82)

Response to Notice To File Missing Parts due – November 17, 2003

Response Filed December 22, 2003

Information Disclosure Statement w/ search report dated 8/7/06 due – September 7, 2006

Information Disclosure Statement w/search report filed November 14, 2006

Response to Non-Final Office Action due – March 14, 2006

Response filed April 16, 2007

Response to Non-Final Office Action due – March 13, 2000

Response filed June 3, 2008

Conclusion

In view of the foregoing, the patent to be issued from the present application is entitled to a patent term adjustment of 410 days, and the applicant requests that such a patent term adjustment be granted.

The Commissioner is hereby authorized to charge payment of the above fees associated with this communication or credit any overpayment, now and during the pendency of this application, to Deposit Account No. 23-3050.

Date: December 10, 2008

/Vincent J. Roccia/

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